

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE FOOTBALL ASSOCIATION PREMIER :
LEAGUE LIMITED, BOURNE CO. (together : 07 Civ. 3582 (LLS)
with its affiliate MURBO MUSIC PUBLISHING, : (related case no. 07 Civ. 2103 (LLS),
INC.), CHERRY LANE MUSIC PUBLISHING : the “*Viacom* action”)
COMPANY, INC., CAL IV ENTERTAINMENT :
LLC, ROBERT TUR d/b/a LOS ANGELES :
NEWS SERVICE, NATIONAL MUSIC : **ECF CASE**
PUBLISHERS’ ASSOCIATION, THE :
RODGERS & HAMMERSTEIN :
ORGANIZATION, STAGE THREE MUSIC : **CLASS PLAINTIFFS’**
(US), INC., EDWARD B. MARKS MUSIC : **NOTICE OF MOTION FOR**
COMPANY, FREDDY BIENSTOCK MUSIC : **PARTIAL SUMMARY**
COMPANY d/b/a BIENSTOCK PUBLISHING : **JUDGMENT**
COMPANY, ALLEY MUSIC CORPORATION, :
X-RAY DOG MUSIC, INC., FÉDÉRATION :
FRANÇAISE DE TENNIS, THE MUSIC FORCE :
LLC, and SIN-DROME RECORDS, LTD. on :
behalf of themselves and all others similarly :
situated, :
:
Plaintiffs, :
:
v. :
:
YOUTUBE, INC., YOUTUBE, LLC and :
GOOGLE, INC., :
:
Defendants. :
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PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 56 and L. Civ. R. 56.1, the Class Plaintiffs shall move this Court, before the Hon. Louis L. Stanton, at the United States Court House, 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an Order granting partial summary judgment dismissing with prejudice Defendants’ First Defense (DMCA Safe Harbor Defense) asserted in Defendants’ Answer to the Second Amended Class Action Complaint, and for such other and further relief as the Court deems just.

PLEASE TAKE FURTHER NOTICE, that in support of this motion, the Class Plaintiffs shall rely on the accompanying Declaration of Elizabeth A. Figueira and the exhibits annexed thereto, the Class Plaintiffs' Statement of Uncontroverted Facts, the Class Plaintiffs' legal memorandum, all pleadings and prior proceeding in this action and the related *Viacom* action, and to minimize duplication the additional evidence and arguments submitted by Viacom in support of its contemporaneous motion for partial summary judgment in its related action. The materials referenced above are being filed under seal pursuant to the stipulated protective order in this case, pending court rulings and/or agreements by the parties with respect to unsealing.

Dated: New York, New York
March 5, 2010

Respectfully submitted,

/s/ Louis M. Solomon

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